

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

STEVIE PTOMEY,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-07-308-FHS
)	
MICHAEL J. ASTRUE,)	
Commissioner Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

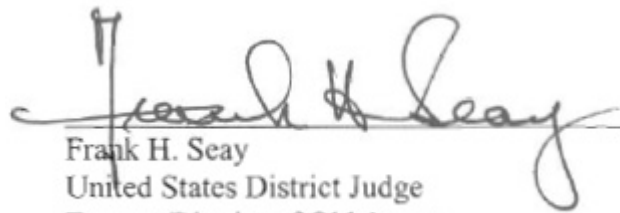
On December 17, 2008, the United States Magistrate Judge for this District filed Findings and Recommendations in this case. An objection to those findings was filed on January 5, 2009. In the report issued by the Magistrate Judge he indicated he was reversing and remanding this action because the ALJ did not consider plaintiff's pain issues. In the objection, defendant argued the ALJ did appropriately consider the pain issue. After reviewing the file, the court overrules the objection.

The Findings and Recommendations suggest that the case be **REVERSED AND REMANDED** for further administrative proceedings. This Court finds the Findings of the Magistrate Judge applied the proper standards and documents numerous references to the record which support the recommendation of the Magistrate Judge that the Secretary's decision be **REVERSED AND REMANDED**.

Upon consideration of the entire record and the issues herein, this Court finds and orders that the Findings and Recommendations of the United States Magistrate Judge be **SUSTAINED** and adopted by this Court as this Court's Findings and

Order. Accordingly, this case is **REVERSED AND REMANDED** to the defendant under the fourth sentence of 42 U.S.C. §405(g) for proceedings consistent with this order.

IT IS SO ORDERED this 7th day of January 2009.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma